

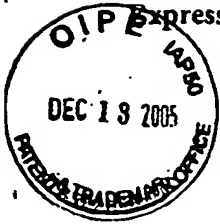
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Date Mailed: December 13, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Stuart TUGENDREICH, et al.

Appl. No. 10/692,330

Filed: October 22, 2003

For: **RETICULOCYTE DEPLETION**  
**SIGNATURES**

Art Unit: 1614

Examiner: Not Yet Assigned

Attorney Docket: 03916.0003.NPUS00

Confirmation No.: 8575

**Response to Restriction Requirement**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated **August 16, 2005**, and is submitted on or before the extended due date of **December 16, 2005**. Applicants submit the following amendment and remarks. Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

The U.S. Patent and Trademark Office is hereby authorized to charge \$510.00 for three months Extension of Time for Response (37 C.F.R. § 1.17, Small entity) to our Deposit Account No. 08-3038 referencing docket number 03916.0003.NPUS00. Additionally, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 03916.0003.NPUS00.

**REMARKS**

**Restriction Election**

The Examiner has required restriction to one of three groups under 35 U.S.C. §121.

In response to the Restriction Requirement, Applicants hereby elect Group I, Claims 1-3, and 6 drawn to a method of determining the propensity of a test compound to cause depletion of reticulocytes in a subject classified in class 435, subclass 4.

New claim 7 has been added, which is dependent from claim 1. Support for this new claim can be found throughout the instant specification, in particular, in paragraph [0091], on page 33. No new matter is introduced. Applicants submit that the new claim is within the scope of the presently elected Group I and accordingly, request that they be examined together with Group I.

Applicants expressly reserve the right to prosecute claims directed to the remaining allegedly distinct groups in one or more continuing or divisional applications.

**CONCLUSION**

Please note that the Power of Attorney is Howrey LLP as shown in the combined Declaration and Power of Attorney submitted August 20, 2004. Please update the correspondence address accordingly. Applicants believe that the application is in good and proper condition for allowance. Early notification of allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8304.

Respectfully submitted,



Elisabeth Evertsz (Reg. No. 50,304)

Date: December 13, 2005

**HOWREY LLP**

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875					Application or Docket Number <b>101692,330</b>	
<b>CLAIMS AS FILED - PART I</b>						
(Column 1)		(Column 2)			(Column 3)	
FOR	NUMBER FILED	NUMBER EXTRA				
BASIC FEE (37 CFR 1.16(a))						
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	0				
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	0				
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))						
* If the difference in column 1 is less than zero, enter "0" in column 2.						
<b>CLAIMS AS AMENDED - PART II</b>						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT A	12/13/05	• CLAIMS REMAINING AFTER AMENDMENT	7	MINUS	• HIGHEST NUMBER PREVIOUSLY PAID FOR	20
		Total (37 CFR 1.16(c))	7	MINUS	•	20
		Independent (37 CFR 1.16(b))	2	MINUS	•	3
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						
<b>AMENDMENT B</b>						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		MINUS	• HIGHEST NUMBER PREVIOUSLY PAID FOR	
		Total (37 CFR 1.16(c))		MINUS	•	
		Independent (37 CFR 1.16(b))		MINUS	•	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						
<b>AMENDMENT C</b>						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		MINUS	• HIGHEST NUMBER PREVIOUSLY PAID FOR	
		Total (37 CFR 1.16(c))		MINUS	•	
		Independent (37 CFR 1.16(b))		MINUS	•	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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